


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 23, 2002

Mr. Jeffrey A. Apperson
Clerk
United States District Court
106 Gene Snyder United States
Courthouse
601 West Broadway
Louisville, KY 40202


FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

APR 23 2002

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

Dear Clerk:

Enclosed is a certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective April 15, 2002. We have assigned an individual Western Washington District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case
Horne v. American Home Prod.

Your Number
3:01-631

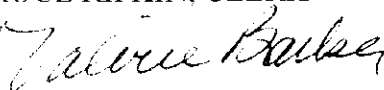
WAW Number

CV 02-0894

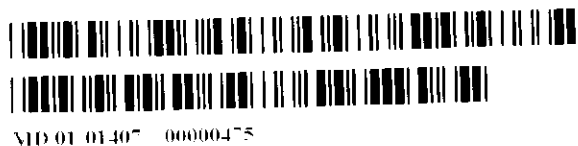
Sincerely,

BRUCE RIFKIN, CLERK

By



Valerie Barber, Deputy Clerk
206-553-4170 ext 4



475

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 23, 2002

Ms. Loretta G. Whyte
Clerk
United States District Court
C-151 United States Courthouse
500 Camp Street
New Orleans, LA 70130-3367

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

Dear Clerk:

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Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case	Your Number
Garcia v. SmithKline Beecham Corp.	2:01-3424
Phillips v. SmithKline Beecham Corp.	2:01-3448
Peterson v. Bayer Corp.	2:01-3467
Martin v. Bayer Corp.	2:01-3477
Favorite v. Bayer Corp.	2:01-3478
Sumling v. Bayer Corp.	2:01-3480
Garrison v. Whitehall-Robins Healthcare	2:01-3484
Craft, Sr. v. Whitehall-Robins Healthcare	2:01-3490
Lee v. Whitehall-Robins Healthcare	2:01-3522
Dyson v. American Home Prod. Corp.	2:01-3548

WAW Number

Sincerely,

BRUCE RIFKIN, CLERK

By

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

CV 02 - 0384
CV 02 - 0385
CV 02 - 0386
CV 02 - 0387
CV 02 - 0388
CV 02 - 0389
CV 02 - 0390
CV 02 - 0391
CV 02 - 0392
CV 02 - 0393

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 23, 2002

Mr. J. T. Noblin
Clerk
United States District Court
316 James O. Eastland United States
Courthouse
245 East Capitol Street
Jackson, MS 39201

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) Products Liability Litigation

Dear Clerk:

Enclosed is a certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective April 15, 2002. We have assigned an individual Western Washington District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil case number.

Title of Case
Vick v. Novartis Corp.
Uwagboe v. Whitehall-Robins
Alexander v. Bayer Corp.

Your Number
4:01-329
5:01-339
5:01-340

CV02-08881
CV02-08882
CV02-08883

Sincerely,

BRUCE RIFKIN, CLERK

By *Valerie Barber*

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

UMB

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

April 15, 2002

Bruce Rifkin, Clerk
215 William Kenzo Nakamura U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Stephanie L. Horne v. American Home Products, et al., W.D. Kentucky, C.A. No. 3:01-631
Alejandro Garcia, et al. v. SmithKline Beecham Corp., et al., E.D. Louisiana, C.A. No. 2:01-3424
Wendell Phillips v. SmithKline Beecham Corp., et al., E.D. Louisiana, C.A. No. 2:01-3448
Kenneth Peterson, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3467
Doreen Martin v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3477
Jeanette P. Favorite, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3478
Paula J. Sumling, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3480
Quincy Garrison, et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3484
Wallace Craft, Sr., et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3490
Mary Lee, et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3522
Lydia Dyson v. American Home Products Corp., et al., E.D. Louisiana, C.A. No. 2:01-3548
Denny Vick, etc. v. Novartis Corp., et al., S.D. Mississippi, C.A. No. 4:01-329
Catherine Uwagboe v. Whitehall-Robins, et al., S.D. Mississippi, C.A. No. 5:01-339
Freddie L. Alexander v. Bayer Consumer Care, et al., S.D. Mississippi, C.A. No. 5:01-340

Dear Mr. Rifkin:

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The act creating the Panel provides that:

Orders of transfer ... shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred. 28 U.S.C. §1407(c).



MDL 01-1407 -467

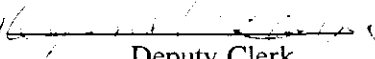
467

As is also required by the statute, a copy of the order is being sent to the clerk for the District of Arizona, the district in which the hearing on this matter was held on March 21, 2002.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Hon. Barbara Jacobs Rothstein
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: J.T. Noblin; Jeffrey A. Apperson; Loretta G. Whyte
Hearing District Clerk: Richard H. Weare

JPML Form 29

A CERTIFIED TRUE COPY

APR 15 2002

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 15 2002

DOCKET NO. 1407

FILED
CLERK'S OFFICE

ATTEST
FOR THE JUDICIAL PANEL OF
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY
LITIGATION**

Stephanie L. Horne v. American Home Products, et al., W.D. Kentucky, C.A. No. 3:01-631
Alejandro Garcia, et al. v. SmithKline Beecham Corp., et al., E.D. Louisiana, C.A. No. 2:01-3424
Wendell Phillips v. SmithKline Beecham Corp., et al., E.D. Louisiana, C.A. No. 2:01-3448
Kenneth Peterson, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3467
Doreen Martin v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3477
Jeanette P. Favorite, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3478
Paula J. Sumling, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:01-3480
Quincy Garrison, et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3484
Wallace Craft, Sr., et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3490
Mary Lee, et al. v. Whitehall-Robins Healthcare, et al., E.D. Louisiana, C.A. No. 2:01-3522
Lydia Dyson v. American Home Products Corp., et al., E.D. Louisiana, C.A. No. 2:01-3548
Denny Vick, etc. v. Novartis Corp., et al., S.D. Mississippi, C.A. No. 4:01-329
Catherine Uwagboe v. Whitehall-Robins, et al., S.D. Mississippi, C.A. No. 5:01-339
Freddie L. Alexander v. Bayer Consumer Care, et al., S.D. Mississippi, C.A. No. 5:01-340

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,
MOREY L. SEAR, BRUCE M. SELYA,* JULIA SMITH GIBBONS, D.
LOWELL JENSEN AND J. FREDERICK MOTZ, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in fourteen Western District of Kentucky, Eastern District of Louisiana or Southern District of Mississippi actions. These parties move the Panel to vacate its orders conditionally transferring their actions to the Western District of Washington for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein. Various defendants in the actions support transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing

*Judge Selya took no part in the decision of this matter.

centralization in this docket. The Panel held that the Western District of Washington was the proper Section 1407 forum for actions brought by persons allegedly injured by products containing Phenylpropanolamine – a substance which, until it recently became the subject of a public health advisory issued by the Food and Drug Administration, was used as an ingredient in many nasal decongestants and weight control products. *See In re Phenylpropanolamine (PPA) Products Liability Litigation*, 173 F.Supp.2d 1377 (J.P.M.L. 2001).

Plaintiffs premise much of their opposition to transfer on their argument that federal jurisdiction is lacking in their actions. These parties urge the Panel not to order transfer before their motions are resolved by the transferor court. We note, however, that remand and other motions, if not resolved in the transferor court by the time of Section 1407 transfer, can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these fourteen actions are transferred to the Western District of Washington and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

INVOLVED COUNSEL LIST
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Allan Berger
Allan Berger & Associates, PLC
4173 Canal Street
New Orleans, LA 70119

John A. Childers
Johnson & Bell
55 E Monroe Street
Suite 4100
Chicago, IL 60603

C. York Craig, Jr.
Craig, Hester, Luke & Dodson
P.O. Box 12005
Jackson, MS 39236

Luke Dove
Dove & Chill
4266 I-55 North
Suite 108
Jackson, MS 39211

David E. Dukes
Nelson, Mullins, Riley & Scarborough
1330 Lady Street
Keenan Bldg., 3rd Floor
P.O. Box 11070
Columbia, SC 29211

Vance A. Gibbs
Kean, Miller, Hawthorne, D'Armond, et
al.
One American Place
22nd Floor
P.O. Box 3513
Baton Rouge, LA 70821

William F. Goodman, III
Watkins & Eager
P.O. Box 650
Jackson, MS 39205

Douglas A. Hofmann
Williams, Kastner & Gibbs
P.O. Box 21926
Seattle, WA 98111

Andrew J. Horne
Oldfather & Morris
1330 South Third Street
Louisville, KY 40208

Joseph Hurson
Lane, Powell, Spears & Lubersky, LLP
1420 5th Avenue
Suite 4100
Seattle, WA 98101

James B. Irwin V
Irwin, Fritchie, Urquhart & Moore, LLC
400 Poydras Street
Suite 2700
New Orleans, LA 70130

Donna B. Jacobs
Butler, Snow, O'Mara, Stevens &
Cannada
P.O. Box 22567
Jackson, MS 39225

Robert D. Jones
Jordan & Jones
P.O. Box 265
Meridian, MS 39302

Margaret E. Keane
Greenebaum, Doll & McDonald, PLLC
101 S. Fifth Street
3300 National City Tower
Louisville, KY 40202

Joseph Dwight LeBlanc, III
Frlot, Partridge, Kohnke & Clements
3600 Energy Centre
1100 Poydras Street
New Orleans, LA 70163

Hans Joseph Liljeberg
Connick & Liljeberg, LLC
3900 Veterans Blvd.
3rd Floor
Metairie, LA 70002

Donald L. Miller, II
Frost, Brown & Todd, LLC
400 West Market Street
3200 Aegon Center
Louisville, KY 40202

Mildred M. Morris
Watkins & Eager
The Emporium Building
Suite 300, P.O. Box 650
400 East Capitol Street
Jackson, MS 39205

John F. Olinde
Chaffe, McCall, Phillips, Toler & Sarpy
2300 Energy Centre
1100 Poydras Street
New Orleans, LA 70163

Lance Eugene Palmer
Levinson, Friedman, Vhugen, et al.
720 3rd Avenue
Suite 1800
Seattle, WA 98101

Charles F. Preuss
Drinker Biddle & Reath
225 Bush Street
15th Floor
San Francisco, CA 94104

Edward J. Rice, Jr.
Adams & Reese
4500 One Shell Square
New Orleans, LA 70139

Roman Ashley Shaul
Beasley, Allen, Crow, Methvin,
Portis & Miles
P.O. Box 4160
Montgomery, AL 36103

Randolph S. Sherman
Kaye, Scholer Law Firm
425 Park Avenue
12th Floor
New York, NY 10022

Charles E. Sorey, II
Ramsey Law Firm, PC
21 North Florida Street
Mobile, AL 36607

Terry O. Tottenham
Fulbright & Jaworski
600 Congress Avenue
Suite 2400
Austin, TX 78701

C. Crews Townsend
Miller & Martin
Volunteer Building, Suite 1000
832 Georgia Avenue
Chattanooga, TN 37402

Jack Etherton Truitt
Truitt Law Firm
251 Highway 21
Madisonville, LA 70447

Jimmy Brian Wilkins
Watkins & Eager
P. O. Box 650
Jackson, MS 39205

INVOLVED JUDGES LIST
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Hon. Carl J. Barbier
U.S. District Judge
C-322 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. William H. Barbour, Jr.
U.S. District Judge
430 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

Hon. Peter Beer
Senior U.S. District Judge
C-121 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. Helen G. Berrigan
Chief Judge, U.S. District Court
C-566 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. David C. Bramlette, III
U.S. District Judge
216 Federal Building
725 Martin Luther King, Jr. Blvd.
Biloxi, MS 39530

Hon. Stanwood R. Duval, Jr.
U.S. District Judge
C-368 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. Eldon E. Fallon
U.S. District Judge
C-456 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. Martin L.C. Feldman
U.S. District Judge
C-555 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. Tom S. Lee
Chief Judge, U.S. District Court
110 James O. Eastland U.S. Courthouse
245 East Capital Street
Jackson, MS 39201

Hon. G. Thomas Porteous Jr.
U.S. District Judge
C-206 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130-3325

Hon. Thomas B. Russell
U.S. District Judge
307 Federal Building
501 Broadway Street
Paducah, KY 42001

Hon. Sarah S. Vance
U.S. District Judge
C-255 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130